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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/582,378      | 08/31/2006  | Helge-Ruben Halse    | 007831.00005        | 3870             |

28827 7590 03/31/2008  
GABLE & GOTWALS  
100 WEST FIFTH STREET, 10TH FLOOR  
TULSA, OK 74103

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| EXAMINER |
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MULLER, BRYAN R

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| ART UNIT | PAPER NUMBER |
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3723

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03/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/582,378 | <b>Applicant(s)</b><br>HALSE, HELGE-RUBEN |  |
|                              | <b>Examiner</b><br>BRYAN R. MULLER   | <b>Art Unit</b><br>3723                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: line 5 of claim 3 discloses "one or more cogs" and line 8 discloses that "the tongs are movable through operation of **the cog**". It is suggested that the applicant add the words "one or more" between the words "the" and "cog" in line 8 of claim 3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson (2003/0056623) in view of Stogner (6,505,531).

4. In reference to claim 3, Carlson discloses an assembly (10) for connecting or disconnecting a pipe length to or from a substantially horizontal pipe string, the assembly comprising a power tong (200), a back-up tong (300) a pair of guide columns (90) each having a pitch rack (70), at least one cog (414), at least one hydraulic cylinder (104) and a work area (between tongs 200 and 300) wherein the power tong and back-up tong are movable relative to each other through operation of the hydraulic cylinder (paragraph 68) and the power tong and back-up tong are movable along the columns

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through operation of the (at least one) cog along the pitch rack (paragraph 91). Carlson further discloses that the assembly is preferably mounted on a chassis (paragraphs 49-50) wherein a method of disconnecting a pipe length from a pipe string using the assembly of Carlson would inherently comprise the steps of providing the chassis, providing the assembly, as discussed supra, providing a pipe length secured to a pipe string having a connecting point defined at the point where the pipe length is secured to the pipe string and adjusting the height of the assembly to place the connecting point in the work area of the assembly. However, Carlson fails to disclose that the guide columns are removable from the chassis or that a method of disconnecting a pipe length from a pipe string would include a step of disconnecting the guide columns from the chassis. Stogner discloses an apparatus that is similar to the apparatus of Carlson in that Stogner also discloses a power tong (114) and a back-up tong (108) that are positioned relative to one another such that a work area is located between the tongs, and Stogner also discloses a spinning device (118) for rotating the pipe lengths being connected or disconnected from a pipe string. However, Stogner discloses that the assemble is intended for use on substantially vertical pipe strings wherein the assembly is positioned upright and suspended from a hoisting harness (120') to adjust the position of the assembly relative to the pipe length and pipe string. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the assembly of Carlson to be removably connected from the chassis and to have a hoisting harness, as taught by Stogner, so that the assembly of Carlson may be used to connect and disconnect pipe length to and from substantially horizontal pipe strings

when connected to the chassis or alternatively may be disconnected from the chassis and suspended from the hoisting harness to connect and disconnect pipe length to and from substantially vertical pipe strings, thus providing the assembly of Carlson with multiple applications, making the assembly more versatile and reducing the need for separate assemblies for use on horizontal and vertical pipe strings, which will reduce the cost of equipment, maintenance and repairs. Therefore, the method of disconnecting a pipe length from a substantially vertical pipe string using the assembly disclosed by the combination of Carlson and Stogner, will comprise all of the steps for removing a pipe length, as discussed supra, and will further include the step of removing the assembly, including the guide columns from the chassis of Carlson and suspending the assembly from a hoisting harness prior to the step of adjusting the height of the assembly to place the connecting point in the work area of the assembly.

5. In reference to claims 4-6, the method of disconnecting a pipe length from a pipe string using the assembly of Carlson and Stogner would obviously further comprise all of the steps disclosed in claims 4-6.

### ***Response to Arguments***

6. Applicant's arguments filed 3/6/2008 have been fully considered but they are not persuasive. The applicant first argues that there is no teaching in the Carlson or Stogner references of providing a chassis that is removably connected to the guide columns. However, as discussed supra, Carlson discloses a chassis as a support for a tool for connecting and disconnecting drilling pipe strings and Stogner teaches an alternative

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support for a tool having the same function, being a frame, attached to support posts that are directly attached to the tongs that supports the tongs to be suspended by a cable. Thus, Stogner clearly teaches an alternative support structure for the pipe tool, wherein it would have been obvious, as discussed supra, to attach a similar frame, which allows attachment to a support cable, to the guide columns of Carlson (the guide columns of Carlson being equivalent to the support posts of Stogner) to make the guide columns capable of being supported by the chassis of Carlson, or alternatively to be supported by a cable to increase the functional applications of the pipe tool. The applicant also argues that the Carlson and Stogner references teach away from each other and away from the claimed invention because they have different structure and operating orientations. However, a reference is not considered to teach away from another prior art reference by teaching an alternative [structure in this case]. A teaching is only considered to teach away from a reference or claimed invention if the reference criticizes, discredits or otherwise discourages the solution claimed (In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004)). Therefore, the disclosure of Carlson and Stogner having alternate supports does not constitute "teaching away" from one another or from the claimed invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN R. MULLER whose telephone number is

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(571)272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryan R Muller/  
Examiner, Art Unit 3723  
3/26/2008